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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Cory L. Factor  
Appln. No.: 10/053,006  
Filed: January 23, 2002  
For: METHOD AND APPARATUS FOR PROVIDING CONTENT OVER  
A DISTRIBUTED NETWORK  
Confirmation No.: 1220  
Attorney: Gerald E. Helget  
Attorney  
Docket No.: 32938.1  
Additional Fees: Charge to Deposit Account 023732

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANT'S REVISED APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Sir:

Appellant, by his attorney, submits one copy of this Appeal Brief, pursuant to 37 C.F.R. § 41.37 in further of the Appeal, the notice of which was filed with the United States Patent and Trademark Office on February 9, 2006 from the Final Rejection of claims 1-16 of the above-identified application, as set forth in the Final Office Action mailed on October 19, 2005, and in response to the Notice of Non-Compliant Appeal Brief mailed May 18, 2007. Appellant respectfully requests consideration and reversal of the Examiner's rejections of the pending claims.

**CERTIFICATE OF MAILING**

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By Gerald E. Helget  
Date 5/30/07

## **I. REAL PARTY IN INTEREST**

The real party in interest is Cory L. Factor.

## **II. RELATED APPEALS AND INTERFERENCES**

Applicant is unaware of any related appeals or interferences that may have a bearing on the Board's decision in the present appeal.

## **III. STATUS OF CLAIMS**

The present application was filed on January 18, 2002 with claims 1-16. A non-final Office Action was mailed May 5, 2005. A Final Office Action was mailed October 19, 2005. Claims 1-16 stand twice rejected, remain pending, and are the subject of the present Appeal.

## **IV. STATUS OF AMENDMENTS**

No amendments have been made since the Final Office Action.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention is a method for providing content in at least one electronic format to a distributed network, said method comprising:

- providing the content in the at least one electronic format to a computer 22 (Fig. 1, page 6, line 5);
- capturing the content as an electronic file on the computer (50, Fig. 2, page 7, line 2);
- providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer (62, Fig. 2, page 7, line 18-page 8, line 5);
- associating the identifying indicia with the electronic file (62, Fig. 2, page 8, lines 3-7);
- using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network (66, Fig. 2, page 8, lines 6-16); and
- providing the file and associated identifying indicia to a server accessible over the distributed network (74, Fig. 2, page 8, lines 17-21).

The present invention is also a computer program stored in electronic format for providing content to a distributed network, said program being provided for being loaded onto a computer and said program:

receiving the content in the at least one electronic format (Fig. 1, page 6, line 5);  
capturing the content as an electronic file on the computer (50, Fig. 2, page 7, line 2);  
providing indicia in a separate electronic file for segmenting the electronic file into  
video segments in an electronic format (62, Fig. 2, page 7, line 18-page 8, line 5);  
associating the identifying indicia with the electronic file (62, Fig. 2, page 8, lines 3-7);  
using the indicia to convert the file to a format suitable for distribution over the  
distributed network (66, Fig. 2, page 8, line 6-16); and  
providing the file and associated identifying indicia to a server accessible over the  
distributed network (74, Fig. 2, page 8, line 17-21).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-16 were rejected as anticipated under 35 U.S.C. § 102(b) by U.S. 6,516,090 (Lennon).

## **VIII. ARGUMENT**

### **A. Claims 1-16 are not anticipated by Lennon.**

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.<sup>1</sup>

#### **1. Separate argument as to claims 1 and 8.**

Lennon does not disclose the following claimed elements:

A method for providing content in at least one electronic format to a distributed network.

Lennon is a method of interpreting a digital video signal. (Abstract) There is no disclosure of a distributed network.

providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer.

The Office Action identifies element 110C of Lennon as providing indicia in a separate electronic file. However, there is no disclosure of a separate electronic file associating the identifying indicia with the electronic file.

At Col. 5, lines 39-48, Lennon indicates that identifying indicia (Additional information 110C) is already available in the digital video source input 110, so there is no need to associate such identifying indicia with the electronic file in which the video content has been captured.

using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network.

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<sup>1</sup> *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

There is no disclosure in Lennon of the format into which the video segments are converted, and specifically no disclosure of a format suitable for distribution over the distributed network.

providing the file and associated identifying indicia to a server accessible over the distributed network.

There is no disclosure in Lennon of any such step. Lennon is a method of interpreting a digital video signal (Abstract), not a method of distributing video segments over a distributed network. The processes of Lennon take place entirely within a single computer (Fig. 1); there is no server involved.

2. Separate argument as to claims 3, 10, and 14.

There is no disclosure in Lennon of providing hypertext links in the identifying indicia. Because the video content of Lennon is not intended to be distributed over the internet, there is no provision for hyperlinks.

3. Separate argument as to claims 4, 6, 11, and 13.

There is no disclosure in Lennon of a distributed network or internet or hypertext links. Lennon is a method of interpreting a digital video signal (Abstract), not a method of distributing video segments over a distributed network.

In regard to the claims not specifically argued separately, Appellant contends that they contain elements of limitations beyond an allowable independent claim and are also allowable.

In view of the foregoing, Appellant asks the Board to overturn the Examiner's rejections and allow all claims.

Respectfully submitted,

Dated: 5/30/07

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## **CLAIMS APPENDIX**

The claims on appeal:

1. (rejected) A method for providing content in at least one electronic format to a distributed network, said method comprising:

providing the content in the at least one electronic format to a computer;

capturing the content as an electronic file on the computer;

providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format to the computer;

associating the identifying indicia with the electronic file;

using the indicia to convert the file into video segments in a format suitable for distribution over the distributed network; and

providing the file and associated identifying indicia to a server accessible over the distributed network.

2. (original) The method of claim 1 wherein the content comprises a live video feed.

3. (rejected) The method of claim 2 wherein the identifying indicia comprises metadata including start and stop times and hypertext links.

4. (rejected) The method of claim 1 wherein the distributed network is the internet and the identifying indicia comprises metadata including start and stop times and hypertext links.

5. (original) The method of claim 1 wherein the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphics.

6. (original) The method of claim 5 wherein the distributed network is the internet and the identifying indicia comprises metadata including hypertext links.

7. (original) The method of claim 1 wherein the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics.

8. (rejected) A computer program stored in electronic format for providing content to a distributed network, said program being provided for being loaded onto a computer and said program:

receiving the content in the at least one electronic format;

capturing the content as an electronic file on the computer;

providing indicia in a separate electronic file for segmenting the electronic file into video segments in an electronic format;

associating the identifying indicia with the electronic file;

using the indicia to convert the file to a format suitable for distribution over the distributed network; and

providing the file and associated identifying indicia to a server accessible over the distributed network.

9. (original) The program of claim 8 wherein the content comprises a live video feed.

10. (rejected) The program of claim 9 wherein the identifying indicia comprises metadata including start and stop times and hypertext links.

11. (rejected) The program of claim 8 wherein the distributed network is the internet and the identifying indicia comprises metadata including start and stop times and hypertext links.

12. (original) The program of claim 8 wherein the content includes a live video feed and at least additional content in at least one additional format from the group including text, audio, or graphics.

13. (original) The program of claim 12 wherein the distributed network is the internet and the identifying indicia comprises metadata including hypertext links.

14. (original) The program of claim 12 wherein the identifying indicia comprises metadata including hypertext links.

15. (original) The program of claim 14 wherein the distributed network is the internet.

16. (original) The program of claim 8 wherein the content is a television news broadcast and includes information in video format and at least additional content in at least one additional format from the group including text, audio, or graphics.



## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.